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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal  
Representative for the Estate of  
THOMAS E. WELLS, deceased; and  
JUDITH HEMPHILL, as Personal  
Representative for the Estate of JOYCE  
H. WALDER, deceased,

Plaintiffs,

vs.

BNSF RAILWAY COMPANY, et al.

Defendants.

**CV-21-97-GF-BMM**

**PLAINTIFFS' MOTION  
TO STRIKE THE EXPERT  
REPORTS OF JOHN KIND,  
PHD, CIH, CSP DATED  
JUNE 10, 2022 AND  
FEBRUARY 7, 2023**

Come now the Plaintiffs, in accordance with the Court's scheduling order, and pursuant to Fed. R. Civ. P. Rules 26 and 37, file this Motion to Strike the Expert Reports of John Kind, Ph.D., CIH, CSP dated June 10, 2022 and February 7, 2023 ("Plaintiffs' Motion").

Separately filed in support of Plaintiffs' Motion are the following:

- (1) Declaration of Jinnifer Jeresek Mariman in Support of [Plaintiffs' Motion]; and
- (2) Plaintiffs' Brief in Support of [Plaintiffs' Motion].

Based upon these filings, Plaintiffs' Motion respectfully requests the Court strike the expert reports of John Kind, Ph.D., CIH, CSP dated June 10, 2022, and February 7, 2023. Dr. Kind should also be precluded from offering any opinions or testimony regarding his stricken reports and/or portions thereof.

DATED this 14th day of April, 2023.

/s/ Jinnifer Jeresek Mariman  
JINNIFER JERESEK MARIMAN  
*Attorney for Plaintiffs*